



County of Sonoma
State of California

THE WITHIN INSTRUMENT IS A
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ON FILE IN THIS OFFICE.

ATTEST: DEC 21 2016

SHERYL BRATTON, Clerk/Secretary

BY *Ch. Gordon*
DEPUTY CLERK/ASST. SECRETARY

Date: December 20, 2016

Item Number: 2

Resolution Number: 16-0485



4/5 Vote Required

**Resolution of the Board of Supervisors of the County Of Sonoma, State Of California,
Approving an Amendment to Uniform Rules 2.0, 4.0, 7.0, and 8.0 of the Sonoma County
Uniform Rules for Agricultural Preserves and Farmland Security Zones**

Whereas, the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only for the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for residents of the state and the nation;

Whereas, the California Legislature enacted the California Land Conservation Act of 1965, also known as the Williamson Act, (Government Code §51200 et seq.), which authorizes counties to establish agricultural preserves and to enter into voluntary contracts with owners of qualifying land within the preserves to restrict the use of land to agricultural use, open space use, and uses compatible with agricultural or open space uses, in exchange for property tax savings;

Whereas, pursuant to the California Land Conservation Act, Government Code §51231, the Board of Supervisors shall adopt uniform rules to govern the administration of the County's agricultural preserve program;

Whereas, the Board of Supervisors, after making certain findings under Government Code Section 51238.1, may list in its uniform rules certain uses of contracted land as uses that are compatible with the agricultural use of contracted lands;

Whereas, consistent with Government Code Section 51220.5, in determining the type of uses to be deemed "compatible uses," the Board of Supervisors recognizes that the Legislature has found that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area;

Whereas, on December 13, 2011, by Resolution Number 11-0678, the Sonoma County Board of Supervisors adopted updated Uniform Rules for Agricultural Preserves and

Farmland Security Zones ("Uniform Rules") to govern local administration of the County's agricultural preserve program;

Whereas, since December 2011, the Board of Supervisors amended the Uniform Rules twice: first on July 31, 2012, by Resolution Number 12-0379; and again on May 7, 2013, by Resolution Number 13-0186;

Whereas, the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis as a Schedule I Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. There is no federal exemption for the cultivation, manufacture, distribution, dispensation, or possession of cannabis for medical purposes;

Whereas, in 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act," codified as Health and Safety Code Section 11362.5, which was intended to decriminalize cultivation and possession of medical marijuana under certain circumstances;

Whereas, the State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996;

Whereas, on November 8, 2016 the voters of California adopted Proposition 64 which legalized the use of cannabis for adult use and established maximum cultivation allowance of 6 plants for personal use. The Proposition allows for local control of adult use cannabis land uses, and reasonable regulation of personal cultivation of up to 6 plants within a residence;

Whereas, the Board of Supervisors presently desires to amend the Uniform Rules to exclude the cultivation of cannabis as an allowed or qualifying "agricultural use" of land restricted by a Land Conservation contract;

Whereas, the Board of Supervisors presently desires to amend the Uniform Rules to include the cultivation of cannabis as an allowed "compatible use" on land restricted by a Land Conservation Act contract;

Now, Therefore, Be It Resolved that the Board of Supervisors finds that the foregoing recitals are true and correct; and

Be It Further Resolved that Board of Supervisors finds that excluding cannabis cultivation from the Uniform Rules' definition of "agricultural use," is desirable and will appropriately tailor Sonoma County's agricultural preserve program to meet local, regional, state, and national needs for assuring adequate, healthful and nutritious food for future residences; and

Be It Further Resolved that the Board of Supervisors makes the following findings concerning the use of contracted land for cannabis cultivation, where the land qualifies for a Land Conservation Contract based on qualifying agricultural use of the land:

1. The use will not significantly compromise the long-term productive agricultural capability of contracted lands in agricultural preserves in Sonoma County because the current requirement that contracted land must be devoted to agricultural use will remain unchanged, and because the area that all compatible uses may collectively occupy for any parcel of agricultural contracted land is limited to 5 acres or 15% of the land, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on contracted lands in agricultural preserves because the Uniform Rules limit the area that all compatible uses may collectively occupy for any parcel of contracted land is limited to 5 acres or 15% of the land, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
3. The use will not result in the significant removal of adjacent contracted lands from agricultural or open space uses because cannabis cultivation as a compatible use will be limited due to the Uniform Rules' limitation on the area that all compatible uses may collectively occupy for any parcel of contracted land, which is 5 acres or 15% of the land under contract, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
4. The use will not result in an increase in the density of the permanent or temporary human population of the agricultural area because the use is not a residential use, because the use is not expected to result in the extension of urban services or infrastructure to agricultural areas, and because the use is limited to cultivation of cannabis, and expressly excludes manufacturing, retail sales, distributing, dispensing, and marketing of cannabis or cannabis products, which uses could result in an increase in the density of the temporary human population of the area;

Be It Further Resolved that cannabis related uses are not deemed to be compatible uses on any contracted land that includes qualifying open space; and

Be It Further Resolved that the Board of Supervisors amends Uniform Rules 2.0, 4.0, 7.0, and 8.0 of the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones to read as attached in Exhibit C-1.

Be It Further Resolved that the Board of Supervisors hereby directs the Permit and Resource Management Department (PRMD) to submit this amendment to the Department of Conservation; and

Be It Further Resolved that the Board of Supervisors designates the Clerk of the

Board as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403; and

Be It Further Resolved that staff shall take all steps necessary to effectuate this action of the Board of Supervisors.

IN REGULAR SESSION of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this 20th day of December, 2016, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin: Aye

Rabbitt: Aye

Zane: Aye

Gore: Aye

Carrillo: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

So Ordered.